

## **EXHIBIT A**

### **DEFINITIONS**

**A. “Electronically stored information” or “ESI,”** as referenced in the Federal Rules of Civil Procedure, information that is stored electronically, regardless of the media or whether it is in the original format in which it was created, as opposed to stored in hard copy. Non-limiting examples of ESI include:

- Digital communications (*e.g.*, e-mail, voice mail, instant messaging);
- E-Mail Server Stores (*e.g.*, Lotus Notes/Domino .NSF or Microsoft Exchange .PST , .OST, .EML, or .EDB);
- Word processed documents (*e.g.*, Word or WordPerfect files and drafts);
- Spreadsheets and tables (*e.g.*, Excel or Lotus 123 worksheets);
- Accounting Application Data (*e.g.*, QuickBooks, Money, Peachtree data);
- Image and Facsimile Files (*e.g.*, .PDF, .TIFF, .JPG, .GIF images);
- Sound Recordings (*e.g.*, .WAV and .MP3 files);
- Video and Animation (*e.g.*, .AVI and .MOV files);
- Databases (*e.g.*, Access, Oracle, SQL Server data, SAP);
- Contact and Relationship Management Data (*e.g.*, Outlook, ACT!);
- Calendar and Diary Application Data (*e.g.*, individual entries stored in an Outlook PST);
- Presentations (*e.g.*, PowerPoint, Corel Presentations);
- Project Management Application Data;
- Computer Aided Design/Drawing Files;
- Backup and Archival Files (*e.g.*, Veritas, Zip, .GHO); and
- Cloud based or other virtualized ESI, including application, infrastructure and data.

**B. “Native File(s)” or “Native Format”** means and refers to ESI that has an associated file structure defined by the creating or viewing application in the file type for (or of) the application in which such ESI is normally created, viewed, modified and/or as used by the producing party in the normal course of its business.

**C. “Metadata”** means and refers to information embedded in or associated with a Native File (i) that does not constitute the primary content region of the file; (ii) that is not ordinarily viewable or printable from the application that generated, edited, or modified such Native File that describes the characteristics, origins, usage and/or validity of the electronic file; and/or (iii) that is generated automatically by the operation of a computer or other information technology system when a Native File is created, modified, transmitted, deleted or otherwise manipulated by a user of such system.

**D. “Database”** means or refers to a set of related files that is created and managed by a Database Management System or DBMS.

**E. “Database Management System” or “DBMS”** means and refers to software that controls the organization, storage, retrieval, security and integrity of data in a database.

**F. “Static Image”** means or refers to a representation of ESI produced by scanning paper documents or converting a Native File to create a standard image format capable of being viewed and printed on standard computer systems. A Tagged Image File Format (TIFF) image is an example of a Static Image.

**G. “Documents”** means or refers to any electronically stored information or tangible medium from which information can be obtained and /or translated into reasonably usable form, and shall have the

same meaning as used in the Federal Rules of Civil Procedure, including without limitation writings, computer file, drawings, graphs, charts, photographs, sound recordings, images, video and other data, data records or data.

**H. “Load/Unitization File”** means or refers to an electronic file containing information identifying a set of paper-scanned images or processed ESI and containing (i) an indication of which individual pages or files constitute each Document, including attachments, and links to the Static Images associated with each Document; (ii) links to any Native Files, including attachments, associated with each Document; and (iii) data relevant to each individual Document, including extracted and user-created Metadata and coded data.

**I. “OCR”** means or refers to the optical character recognition file that is created by software used in conjunction with a scanner that is capable of reading text-based documents and making such documents searchable using appropriate software.

**J. “Extracted Text”** means or refers to the user-created text that can be electronically extracted from a native file without the use of OCR. Extracted text is favored over OCR.

**K. “Receiving Party”** means or refers to the party receiving production of Documents in response to any request for production of document(s) pursuant to Fed. R. Civ. P. 34(a) or pursuant to any initial production of documents identified in the party’s Rule 26(a) disclosures.

**L. “Producing Party”** means or refers to the party producing Documents in response to any request for production of documents pursuant to Fed. R. Civ. P. 34(a) or pursuant to any initial production of documents identified in the party’s Rule 26(a) disclosures.

**M. “Bates Number”** means or refers to an identifier consisting of a two to seven letter prefix, associated with the Producing Party’s name, followed by numbers (e.g., ABCD000000001). Each page in the production is assigned a unique, incremental Bates number. The prefix must be the same for all pages from the same Producing Party unless good reason exists for the Producing Party to use a different prefix.

**N. “Media”** means an object or device, real or virtualized, including but not limited to a disc, tape, computer or other device, on which data is or was stored.